

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**CONSOLIDATED INDUSTRIES, LLC  
d/b/a WEATHER KING PORTABLE  
BUILDINGS,**

**Plaintiff,**

**V.**

**JESSE A. MAUPIN, *et al.*,**

## Defendants.

**No. 1:22-cv-01230-STA-jay**

## **JOINT MOTION TO EXTEND FACT DISCOVERY DEADLINE**

Plaintiff and Defendants Jesse Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagan, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (collectively “the ABCO Defendants”) jointly move the Court to extend the March 19, 2025 fact discovery deadline set forth in the Fourth Amended Scheduling Order [Doc. 150] until June 2, 2025. As grounds for this motion, these parties submit that they have good cause to extend the deadline and that an extension will not disrupt other scheduling deadlines or the trial date.

As previously noted by the Court:

Federal Rule of Civil Procedure 6(b) grants the Court the discretion to extend a deadline where good cause exists for the extension and the request is made “before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). Fed. R. Civ. P. 6(b) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time.”) (emphasis added). “A court asked to modify a scheduling order for good cause ‘may do so only if [a deadline] cannot reasonably be met despite the diligence of the party seeking the extension.’” *Marcilis v. Twp. of Redford*, 693 F.3d 589, 597 (6th Cir. 2012) (alteration in original) (quoting *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003)). “The primary measure of Rule 16’s ‘good cause’ standard is the moving party’s diligence in attempting to meet the case management order’s requirements.” *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (quotation omitted).

Doc. 128, p. 2.

The ABCO Defendants previously moved for a stay of all discovery pending a resolution of Plaintiff's Motion for Sanctions [Doc. 194] but the Court denied that motion. Doc. 201. Scheduling of remaining depositions has been delayed due to the ABCO Defendants' motion for stay, health issues, and the schedules of the parties' counsel and witnesses. After conferring, the parties anticipate being in a position to complete depositions by June 2, 2025, and do not believe that the extension will impact the remaining scheduling deadlines or the October 2025 trial.

Because the extension will allow the parties to complete discovery without impacting the trial date or otherwise disrupting the disposition of this matter, they respectfully request that the Court extend the fact discovery deadline to June 2, 2025. A proposed order is being emailed to Chambers.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2025, I filed the foregoing with the Court using the ECF system, which will provide notice and a copy to counsel of record:

/s/ John H. Dollarhide

John H. Dollarhide

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